

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

First Appeal No. 991 of 2006

* Vilas @ Shivaji Shamrao Murkute,
Age 25 years,
Occupation: Service,
R/o Kedarkheda,
Taluka Bhokardan, Dist. Jalna. .. **Appellant.**

Versus

- 1) National Insurance Co. Ltd.
Branch Office, Jalna
- 2) Jinnas Govindrao Magre,
Age 27 years,
Occupation: Driver,
R/o Bhokardan,
District Jalna. .. **Respondents.**

Shri. P.C. Mayure, Advocate, for appellant.

CORAM: T.V. NALAWADE, J.

DATE : 13th JANUARY 2016

JUDGMENT:

- 1) The appeal is filed to challenge the judgment and award of the Claim Petition No.10 of 2004 which was pending before the Claims Tribunal Jalna. Heard learned counsel for the appellant.

2) The learned counsel for the claimant submitted that the Tribunal has not considered the record like disability certificate showing that the extent of permanent disability was 40% and the Tribunal has awarded meagre amount like amount of Rs.20,000/- as compensation. This Court has carefully gone through the original record. It appears that the claimant examined himself and he placed reliance on the record like police papers, copy of handicap certificate, disability certificate etc. There was injury to right leg at right foot and due to that there is permanent disability. No doctor was examined for proving the handicap certificate and disability certificate. The claimant had given his occupation as service and agriculture and as the medical record was not proved, the Tribunal has not given anything under the head of permanent disability and loss of future earning. It appears that bills of medicines are also not exhibited and nothing is given under the head of amount spent on medicine and treatment. Learned counsel for the claimant submitted that opportunity needs to be given to the claimant for proving the aforesaid record to enable him to get just compensation. In view of the aforesaid circumstances and

as it is a fact that the Tribunal has not awarded compensation under the aforesaid heads, the matter needs to be remanded back to the Tribunal.

3) In the result the appeal is allowed. The order of the Tribunal is hereby set aside. The matter is remanded back to the Tribunal for fresh trial. As nobody has turned up for the respondents, the Tribunal is expected to issue notices to the respondents again after receipt of the record. The matter is to be expedited, to be decided within six months from the date of receipt of the record. The amount which is already awarded is to be adjusted in the amount which the Tribunal may award in future.

Sd/-
(T.V. NALAWADE, J.)

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